

### **REMARKS/ARGUMENTS**

Applicant thanks the Examiner for his careful review of this application. In the specification, the paragraph beginning at page 20, line 16 has been corrected to correct minor typographical mistakes. No new matter has been added.

Claims 1-4, 7-11, and 15-21 have been rejected. Claims 5, 6, and 12-14 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claims 1, 4, 5, 9, 12, 15, 17, and 20 have been amended. Claims 3, 10, and 19 have been canceled. Applicant respectfully requests reconsideration of the application in view of the above amendment and the following remarks submitted in support thereof.

#### **Anticipation Rejections under 35 U.S.C. §102**

The Examiner has rejected claims 1, 9, and 17 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,525,839 to Nozawa et al. The Examiner additionally rejected claims 1-3, 7-11, 15, and 17-20 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,160,778 to Ito et al. For the reasons put forth below, Applicant respectfully asserts that Nozawa et al. and Ito et al. fail to identically disclose each and every feature specified in amended independent claims 1, 9, and 17.

Although the Applicant believes that the original pending claims are defined over the prior art of record, the Applicant has amended original independent claims 1, 9, and 17 to further define that a bitmap is written to an optical disc, wherein the bitmap tracks which sectors of the optical disc have been verified.

In support of the 35 U.S.C. §102(b) rejection, the Examiner noted that Nozawa et al. only disclose features of the original independent claims and do not disclose the bitmap that tracks which sectors of the optical disc have been verified, as defined in canceled dependent claims 3, 10, and 19. As a result, Nozawa et al. do not teach the bitmap that tracks which sectors of the optical disc have been verified, as defined in amended independent claims 1, 9, and 17.

Moreover, in support of the 35 U.S.C. §102(e) rejection, the Examiner noted that Ito et al. teach the bitmap that tracks which sectors of the optical disc have been verified, as defined in amended independent claims 1, 9, and 17. Applicant respectfully traverses the Examiner's characterization of Ito et al. relative to amended independent claims 1, 9, and 17 because the portions of the reference relied upon by the Examiner (col. 19, lines 41-44 and 46-48) do not teach the bitmap that tracks which sectors of the optical disc have been verified. In particular, Ito et al. merely teach the use of a skipped address data that tracks defective areas on an optical disc in order to skip defective areas during recording and reproduction operations (col. 16, lines 19-30). For example, Ito et al. teach a file management information creation section that sets a "0" ("free") for skipped areas and a "1" ("used") for data "recorded in areas other than the skipped areas" (col. 19, lines 40-41, 44, and 46-48). In contrast, amended independent claims 1, 9, and 17 define the bitmap to track which sectors of the optical disc have been verified. As Ito et al. only disclose tracking skipped areas, Ito et al. cannot reasonably be considered to teach the tracking sectors of the optical disc that have been verified, as defined in amended independent claims 1, 9, and 17.

As Nozawa et al. and Ito et al. fail to teach each and every element of the claimed invention, the Applicant respectfully submits that amended independent claims 1, 9, and 17 are patentable under 35 U.S.C. §102(b) and §102(e) over Nozawa et al. and Ito et al. Further,

dependent claims 2, 4, 7, 8, 11, 15, 16, 18, 20, and 21, each of which directly or indirectly depends from amended independent claims 1, 9, and 17 are submitted to be patentable under 35 U.S.C. §102(b) and §102(e) over Nozawa et al. and Ito et al. for the reasons set forth above. As a result, Applicant respectfully requests the Examiner to withdraw the 35 U.S.C. §102 rejections.

### **Obviousness Rejections under 35 U.S.C. §103(a)**

Applicant respectfully requests reconsideration of the 35 U.S.C. §103(a) rejections of dependent claims 4, 16, and 21 as being unpatentable over Ito et al. in view of U.S. Patent No. 5,337,197 to Brown et al. As discussed above, Ito et al. do not disclose each and every feature of amended independent claims 1, 9, and 17. As such, Ito et al. do not raise a *prima facie* case of obviousness against any of dependent claims 4, 16, and 21. Accordingly, the obviousness rejections of claims 4, 16, and 21 are improper and should be withdrawn.

### **Allowable Subject Matter**

The Examiner noted that claims 5-6 and 12-14 would be allowable if rewritten in independent form including all of the limitations of the base claims. Accordingly, in order to place the objected to claims in condition for allowance, Applicant has amended claims 5 and 12 to incorporate all of the limitations of the base claims.

### **Conclusion**

In view of the foregoing, the Applicant respectfully submits that all the pending claims 1-2, 4-9, 11-18, and 20-21 are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the

present Amendment, the Examiner is requested to contact the undersigned at (408) 749-6900 ext. 6924. If any additional fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. ROXIP136). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,  
MARTINE & PENILLA, L.L.P.



Michael K. Hsu, Esq.  
Reg. No. 46,782

Martine & Penilla, LLP  
710 Lakeway Drive, Suite 170  
Sunnyvale, California 94085  
Telephone: (408) 749-6900  
**Customer Number 25920**